
Publish date:
9/25/14

WQC number: 848-0304-WQC-1

Public Notice

Closing Date:
10/24/14

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

- 1. Applicant Name:** Nally & Hamilton Enterprises, Inc.

Mailing Address: P.O. Box 2323 London, KY 40741

Contact Person: Stephen Hamilton

Telephone No: (606) 878-1500

E Mail Address: steve@hamilton.cnc.net

- 2. Consultant Name & Address:** Biological Systems Consultants, Inc.
P.O. Box 54954 Lexington, KY 40555

Telephone No. (859) 263-4142

E Mail Address: jesse@biologicalsystemsconsultants.com

- 3. Provide a brief description of the proposed activity and stream impact.**
The construction of two temporary stormwater management facilities which will impact 372 linear feet of ephemeral and intermittent stream.

- 4. Project Location Information:**

County: Harlan; **USGS Quadrangle Name:** Evarts & Hubbard Springs

Nearest Community & Road Intersection: Cawood, KY 987 & KY 3099

Latitude: 36.75272 **Longitude:** -83.23275

List the names of all streams affected by the proposed project:
Unnamed tributaries to Cranks Creek.

5. For each affected watershed provide the acreage above the toe of the lowest permanent structure. N/A
6. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.
 - Pond 2(R1) - Temporary Intermittent 140 LF
 - Pond 8(R2) - Temporary Ephemeral 53 LF
 - Pond 8(R2) - Temporary Intermittent 35 LF
 - Pond 8(R2A) - Temporary Ephemeral 48 LF
 - Pond 8(R2A) - Temporary Intermittent 96 LF
7. Provide the acreage of wetlands that would be impacted: N/A
8. Beginning at the nearest intersection of two public roads, provide directions to the project site: At the intersection of 987 & 3099, turn on 3099 and proceed south for 1.2 miles.
9. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No ☐ . If yes, indicate type of application:

NW 12 ☐ NW 14 ☐ NW 21 ☐ NW 27 ☐ NW 49 ☐
 NW 50 ☐ Individual ☐ Other NW 43

Provide the following permit numbers associated with this mining activity:
 SMCRA Permit No. 848-0304, KPDES No. KY0110647.

10. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

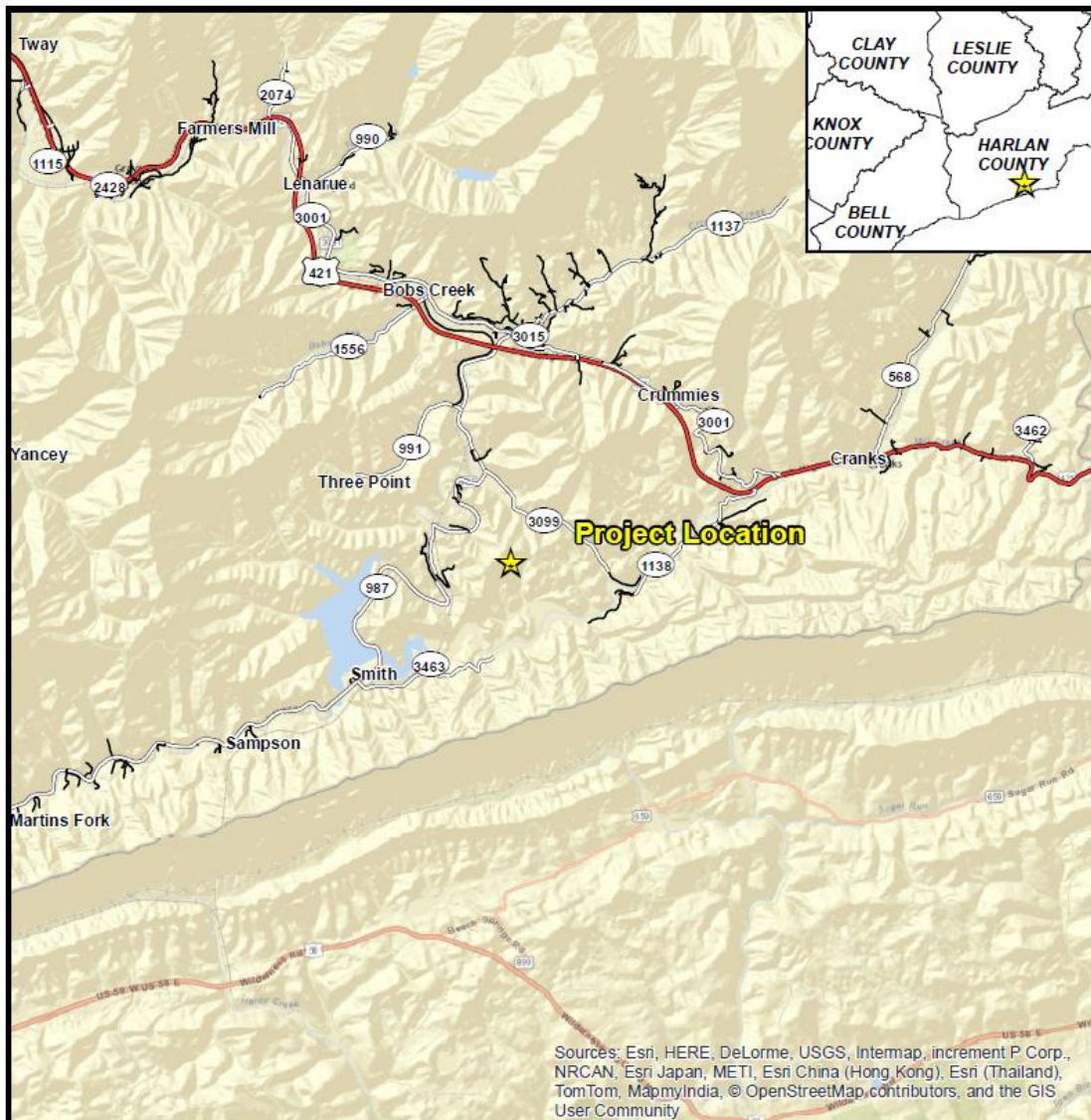
I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

, Date: 9/17/2014
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

**WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601**



0 0.75 1.5 3 Miles

Legend

★ Project Location

Prepared By:



**BIOLOGICAL SYSTEMS
CONSULTANTS, INC.**

P.O. Box 54954, Lexington, KY 40555
(859) 263-4142

Prepared For:



**Nally & Hamilton
Enterprises, Inc.**

Figure 1 Highway Location Map

KDNR: 848-0304 MI-01

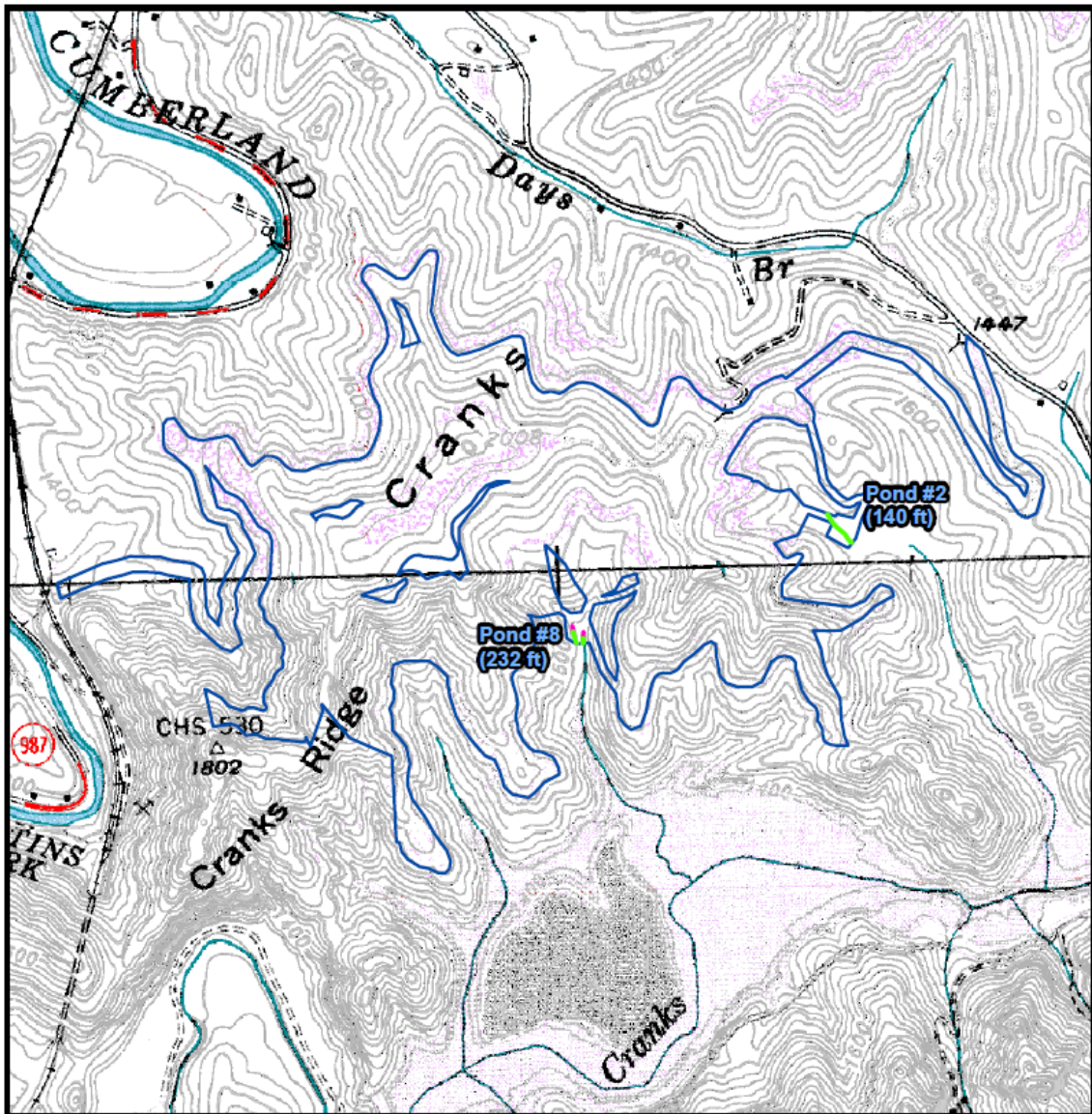
BSC#: 214132

DATE: Sep. 10, 2014

SCALE: 1" = 1.5 Mile

DRAWN BY: BES

CHECKED BY: JRR



0 750 1,500 3,000 Feet

Legend

Proposed Permit Boundary

Waters Of the U.S.*

— NRPW (Ephemeral)

— RPW:S (Intermittent)

* As Defined By USACE

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Prepared For:



**Nally & Hamilton
Enterprises, Inc.**

Figure 2 Impacts Map

KDNR: 848-0304 MI-1

BSC#: 214000

DATE: Sep. 12, 2014

SCALE: 1" = 1,158.7'

DRAWN BY: BES

CHECKED BY: JRR

Excerpt from Evarts, & Hubbard Springs, KY
7.5' USGS Topographic Quadrangle
NAD 1983 StatePlane Kentucky FIPS 1600 (Feet)